

THE POST CIVIL WAR CAREER OF LYMAN TRUMBULL

BY

RALPH JOSEPH ROSKE

B.A., De Paul University, 1943
A.M., University of Illinois, 1947

AN ABSTRACT OF A THESIS

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF DOCTOR OF PHILOSOPHY IN HISTORY
IN THE GRADUATE COLLEGE OF THE
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THE POST CIVIL WAR CAREER OF LYMAN TRUMBULL

Lyman Trumbull is one statesman with whom the passing years have not dealt as kindly as he has deserved. Perhaps it is because he has no political party to mourn for him, that he is all but forgotten by his own people in Illinois. A Democrat of long standing, he joined the Republican party over the issue of slavery in the territories. Later he was to leave the Republican party because he felt it to be riddled with corruption, and affiliated himself with the Democrats by way of the Liberal Republican movement. In the 1890's he felt that neither old political party dared to face the issues of the day, and he made common cause with the Populists.

On October 13, 1813, Trumbull was born in Colchester, Connecticut. After receiving a good education, though only on the secondary school level, Trumbull turned to teaching, leaving Connecticut for Georgia where he rose to the position of headmaster at a local academy, and studied law in his leisure time. Then he removed to Illinois where he ultimately settled in Belleville, and soon became a successful and renowned attorney.

Trumbull turned to politics as an additional field for his activity. In 1840 he won an election as a Democrat, being elected a representative to the lower house of the legislature from his local district. There he soon won a reputation as a capable debater. Near the close of the legislative session in 1841, Trumbull was appointed secretary of state by Governor Carlin. He stayed on for a time under Carlin's successor, Ford. However, when he fought the governor's proposals to help the state bank he was dismissed from office. He had so aroused the ire of the governor and the State House clique of politicians, that they saw to it that he was beaten in his subsequent attempts to win the Democratic nomination for Congress and for governor. In 1846 he did receive the Democratic nomination for Congress only to be beaten in the election when many members of his own party bolted and nominated a candi-

date of their own, who also received Whig support.

He was elected to the state supreme court in 1848. The terms of the justices being staggered, he drew only a three year tenure, but was subsequently reelected for a full nine years. Although happy in his work on the bench he felt the pay was inadequate; he resigned in 1853. Ill health plagued him at this time, but he recovered sufficiently to run as an anti-Nebraska Democrat for Congress in 1854. The Kansas-Nebraska bill split the Democrats in Illinois. Party lines were blurred. Trumbull with Whig support defeated the Douglas Democrat who opposed him.

A few anti-Nebraska Democrats held the balance of power in the legislature at this time. They were able to deadlock the legislature so that no choice for United States senator could be made; they voted for Trumbull on ballot after ballot until Abraham Lincoln, seeing that he as a Whig could not win and fearful lest the Douglas Democrats eventually gain the day, threw his support to Trumbull who was thereby elected.

When Trumbull arrived in Washington his seat was questioned for a time because it was claimed that the unexpired portion of his term as state judge barred him from being a senator. This obstacle being cleared away, Trumbull at once attacked Douglas's action on the Kansas question. The two fought many verbal battles during the next few years.

In 1856 Trumbull campaigned for Frémont, since he had cast his lot with the newly formed Republican party. Likewise, Trumbull supported Lincoln for senator in 1858 with speeches throughout Illinois.

The fateful year of 1860 came; the question of the Republican presidential nomination loomed large. From a study of the Trumbull manuscripts it is clear that Trumbull received many offers of support, but he preferred to stay in the Senate, and gave his assistance to Lincoln at the Chicago convention. After Lincoln's nomination Trumbull supported him vigorously in the canvas of 1860. Following the election, Trumbull, at

Lincoln's suggestion, incorporated into a speech some words of reassurance for the South, declaring that Lincoln did not intend to disturb the domestic institutions of that region. It helped not one whit, and Trumbull was convinced that the Southerners would not accept any reassurances while such conciliatory statements would only be misunderstood in the North. In the Senate he fought any compromise in the winter of 1860-1861. Decrying any Republican leadership in compromise movements he said that this would be an admission that it would be wrong to conduct the government on the principles on which they had come into power. Nevertheless, he urged the South not to break up the Union, declaring that the South had no real grievances.

Having been reelected easily to the Senate in January, 1861, Trumbull, once the Civil War began, favored strenuous measures to insure a Union victory. He often acted with the Radicals during the Civil War because he felt that the Lincoln administration was not prosecuting the war in a manner sufficiently vigorous. In July, 1861, he proposed what has become known in history as the first confiscation bill. It was a very limited measure which provided for the seizure of Confederate property used for insurrectionary purposes. The part pertaining to slave property became a dead letter, since no provision was made for a method of freeing them. Trumbull seems to have realized that a more comprehensive measure was needed. In December, 1861, he introduced such a bill, providing that ordinary property owned by Southerners was to be condemned by proceedings *in rem* in the Federal courts. However, it provided no workable method of emancipation for the slaves. For that reason, even though Trumbull was able to steer it through Congress, and Lincoln signed it, few slaves were set free by it. Also, the amount of Confederate property seized under it was insignificant.

To Trumbull fell the honor of sponsoring the thirteenth amendment which finally ended slavery. He fought valiantly to get it through the Senate, in the face of the inertia, indifference, and hostility of many of its members.

Trumbull was interested in civil liberties during the war. As early as December, 1861, he introduced a resolution calling on the secretary of state to report by what authority he had arrested Confederate sympathizers. Although this resolution was buried in committee, Trumbull kept up his fight, and at last, in March, 1863, a bill which Trumbull sponsored became a law. In it a definite provision was made for the suspension of habeas corpus by the President, but certain safeguards were set up for prisoners arrested under this authority.

In the summer of 1868 when the "Copperhead" paper the *Chicago Times* was suspended by General Ambrose E. Burnside, Trumbull joined the protest against the move viewing it as unconstitutional and unnecessary. Lincoln remarked that this protest was instrumental in causing the revocation of Burnside's order.

It is, perhaps, surprising in view of Trumbull's uncompromising attitude toward secessionists to find that in the winter of 1864-1865 he tried to get Congressional action upon the subject of recognition of Louisiana, which had been reconstructed under Lincoln's plan. He had been won over by Lincoln's arguments that a decision was necessary as to the legality of the reconstructed governments. In spite of his best efforts, Sumner was able to interpose so many delays that the measure to authorize recognition of Louisiana was shunted aside without a vote in the closing days of the session.

After Lincoln's death Trumbull sent a letter pledging support to Andrew Johnson, his successor, whom he believed to be a more desirable man to carry out reconstruction than his predecessor. It was thought by many, Trumbull among them, that Johnson would show more sternness to the ex-Confederates than Lincoln would have. Trumbull may have been disappointed at the manner in which he began setting up provisional governments in the South; still there was no break between the two at that time.

When Congress met in December, 1865, Trumbull began drawing up two bills, one to enlarge the scope and powers of

the freedmen's bureau and the other to guarantee the civil rights of the newly emancipated Negroes. Trumbull supposed that Johnson had no objection to either of these proposals. He guided his freedmen's bureau bill through Congress, and later also his civil rights bill. Two things stand out about Trumbull's measures. The Radicals believed them to be of great advantage in keeping Republican control in the South, and they stretched the powers of the Federal government as they were understood in 1866.

To Trumbull's dismay, Johnson, in the middle of February, 1866, returned the freedmen's bill to the Senate with a veto message in which he declared that the measure was inexpedient and unconstitutional. Trumbull delivered a stinging reply on the floor of the Senate, but to no avail; the Radicals were beaten for the moment since they could not muster a two-thirds vote then to override the veto in the Senate. Later when the small but powerful group of Radicals had seized absolute control of Congress in July, 1866, they were able to pass a somewhat altered freedmen's bureau bill over Johnson's veto. Trumbull's civil rights bill met the same fate at the President's hands, but Trumbull was able to get the Senate to override the veto, and the House followed suit, giving the victory to him.

If Trumbull appeared to be playing the game of the more vindictive element of the Republican party it is only fair to point out that he possessed a good deal of independence on matters pertaining to reconstruction. He voted against Sumner's attempt to force Negro suffrage on the territory of Colorado and against the denial of a seat in the Senate to the conservative-minded John P. Stockton of New Jersey. Opposing almost all of the economic measures of the Radicals, he was against a protective tariff and favors to business. He wanted strict economy for the government, desired a cut in internal taxes, and was always looking for ways to lighten the economic burdens of the agricultural classes.

Trumbull was seriously challenged, in 1866, for reelection by three fellow Republicans and former generals, John M.

Palmer, Richard Oglesby, and John A. Logan. Logan in particular, as his letters to his wife, in the Library of Congress, reveal, had been intensely interested in unseating Trumbull and installing himself in his place even before his own discharge from the Union Army in 1865. Trumbull, however, waged a skillful silent campaign to have Republican nominees for the legislature pledged to support him, if elected. As he was traveling about the state of Illinois, campaigning for the Republican ticket in the fall of 1866, he skillfully rebuilt his political fences. Therefore, after the Republican triumph when his three opponents began to solicit votes in behalf of their candidacies they were chagrined to find that Trumbull possessed the pledged support of a majority of the Republican members of the legislature. They withdrew; Trumbull was reelected in January, 1867.

Early in 1868, at the request of the then secretary of war ad interim, U. S. Grant, Trumbull agreed to defend the government in the famous McCardle case. A Mississippi editor, William H. McCardle, was appealing his trial under the congressional acts of reconstruction by a military commission. His petition for a writ of habeas corpus was denied in the United States circuit court in Mississippi. Then he appealed to the Supreme Court. The constitutionality of the whole fabric of Radical legislation was at stake. Trumbull ably argued the government case, but the Supreme Court never rendered a decision in this suit for while it was still considering the case Congress withdrew its jurisdiction in this matter. As a result of his part in this affair, however, in the future, political opponents were to level two charges at him. The first, which consisted of the allegation that it had been illegal for him to accept government pay for other services while a senator, was false; the second, that he had used his position as a senator to aid his case as a lawyer was partially true.

The impeachment of Andrew Johnson furnished the setting for one of Trumbull's finest hours. He refused to vote for Johnson's conviction in spite of the most determined pressure of Republican political groups back in Illinois, the entreaties

of the Radical press, and the scorn of old friends. An investigation into the papers of the Radicals such as Butler, Wade, and Logan shows clearly the vindictive feelings of the impeachers toward any dissenters. Trumbull's example, together with that of William Pitt Fessenden of Maine as old-line Republicans who refused to remove the President on the ground of a mere political difference, prompted enough waverers to the banners of the anti-impeachers so that the President was sustained when the vote in the Senate was one short of the necessary two-thirds to convict.

Trumbull did not vote for Johnson's acquittal because he was sorry for his previous stand on reconstruction, nor because he was convinced of Johnson's wisdom. He had merely voted against what he believed to be the President's illegal removal. Emphasizing, in an opinion filed after trial, that he felt the vote he cast for acquittal was not a vote of confidence in Johnson, nor an approval of his fitness, Trumbull castigated the wisdom of many of his acts. Trumbull believed that it would be much better for Johnson to serve the remaining months of his term, hedged in as he was by the various laws passed over his veto by Congress, than to remove him on insufficient grounds which could only stand as a bad precedent for the future.

In spite of the demand by some that Trumbull be read out of the Republican party, he continued to be considered a member in good standing until he himself chose to leave it in 1872. He campaigned actively for Grant in 1868. After Grant's inauguration Trumbull became disgusted by the abuses in his administration and gradually drew apart from the regular party leaders as he began to demand investigations of the officials of the executive branch of the government and to insist upon civil service reform. In 1871 he was able to get a rider inserted in an appropriations bill which empowered the President to appoint a board to establish rules to set up a civil service system. The politicians were able to defeat the work of the board, but still it was a step in the right direction and helped to educate the people to an acceptance of civil service

a decade later when it came to stay.

Also, Trumbull grew further apart from the party on the question of Southern reconstruction. He began to vote against the dictates of the Grant administration, notably in the case of the Ku Klux Klan bill of 1871 because he felt the Radicals were pushing the matter beyond what the people wanted or the Constitution allowed. On economic questions he continued his independent stand pressing for a lower tariff and a cut in internal taxes.

As a result of Trumbull's dissatisfaction with the Republican leadership, and his resulting stand against it, he received widespread support for the Liberal Republican nomination for president in 1872. His correspondence in the Library of Congress contains several hundred offers of assistance from various local politicians and reformers, sent in 1871 and 1872. That he did not succeed in this aim may be due principally to several causes. First, he himself waged too conservative and unaggressive a campaign. Second, his convention delegates were poorly led by his nominal lieutenant, Horace White. The Trumbull correspondence contains several letters including one written by White which can only lead the reader to the conclusion that several New England state delegations were willing to switch their votes from Adams to Trumbull but waited vainly for White to give them the signal. And third, his forces spent themselves in common with the Charles Francis Adams men in beating down the Davis boom, while Greeley slipped through almost unnoticed to capture the nomination. It should be noted that Trumbull's and Adams's supporters refused to make any deals; whereas the Greeley lieutenants made an agreement with B. Gratz Brown and Francis Blair, Jr., which, if it did not win for Greeley his nomination, caused the practical politicians at the Cincinnati convention to flock to his standard. Trumbull received the third highest vote in the balloting for president. He might have obtained the vice-presidential nomination, but it was turned down on his behalf by Gustave Koerner who considered Greeley to be a hopeless candidate.

Trumbull opposed all efforts to drop Greeley after his nomination, maintaining that any scheme to substitute candidates would play into the hands of the Republicans. Trumbull turned down a chance to run for governor of Illinois so that he could appear in his true light as a candidate for reelection to the Senate. He traveled about the country speaking for the Liberal ticket in Michigan, Maine, Ohio, and Indiana in addition to his speeches in Illinois. In the November election the Republican success nationally was matched by their triumph in Illinois and the legislature remained in Republican control. The Liberals and Democrats in the legislature in January, 1873, backed Trumbull for senator, but it was an empty gesture, and his defeat by the Republican choice, Richard Oglesby, was a foregone conclusion.

After his retirement from the Senate, Trumbull practiced law in Chicago. As far as politics was concerned, he was certain that a return of the Republican party was impossible, and so he gradually merged his fortunes with those of the Democrats. In 1876 Trumbull supported Samuel J. Tilden in the canvass. When it was believed in the first flush of victory that Tilden would be inaugurated, he considered appointing Trumbull to his cabinet. When the disputed returns appeared in Louisiana, Florida, and South Carolina, Trumbull was one of the "visiting statesmen," who went down to watch the count in Louisiana. He became convinced that the decision of the state returning board was wrong, and that fraud had been practiced to arrive at it. However, he opposed any violent means of reaching a settlement of the controversy, and favored using the moral force of an aroused public opinion to compel Congress to declare Tilden elected. After the electoral commission was established to deal with the problem of the disputed votes, Trumbull appeared before it as counsel for the Democrats in the case of Louisiana. The commission, by a strictly partisan eight to seven vote, decided for the Hayes electors as it did in all the cases brought before it, and Hayes became the victor.

The Democrats drafted Trumbull to run for governor in

1880. He made a valiant campaign, although then already sixty-seven years old. The Republican tide was running too strongly in Illinois, largely because of national issues, and also the Greenback party ran their own local ticket after years of partial affiliation with the Democrats, so that he was defeated. This ended his career as an office-seeker although he continued his interest in politics as an elder statesman. For a short time, in 1885, he attempted to advise President Cleveland as to appointments to office in Illinois or concerning Illinois politicians.

In 1887 Trumbull appealed to the then Governor of Illinois, Richard Oglesby, to commute the sentences of the seven condemned anarchists in the Haymarket Square riot to life imprisonment. He did so because he felt that if they were let off with jail sentences, their case could then be reexamined when public passions had cooled. Although Oglesby commuted the sentences of two of the men, four were hung, and one of them committed suicide.

During Trumbull's quasi-retirement from politics, William Jennings Bryan, the son of an old friend, worked in Trumbull's law office while attending law school. Trumbull thought of him as a sort of foster son, and looked with interest on his later legal and political careers. It is impossible to say from the evidence remaining just how much Trumbull influenced Bryan's political thinking.

Trumbull spoke before a Populist meeting on October 6, 1894. In this speech, although he did not announce himself definitely to be a Populist, he espoused most of their principles. He favored allowing only businesses with a public interest to be incorporated; he advocated that the state legislature force corporations to set up some form of profit sharing with their employees; he espoused the cause of free silver; he advised the workers to abandon their old political ties and to vote as a class so that men favorable to their interest would be put in high places in the government. This caused a great stir in the newspapers at the time. In December, 1894, Trumbull strengthened

his ties with the Populists by drawing up a statement of principles which were presented in his behalf to a St. Louis party conference. The conference, incidentally, adopted his resolutions without a change.

In the spring of 1895, Trumbull made his last important public appearance when he argued in behalf of Eugene V. Debs before the Supreme Court. Debs and his lieutenants had been found guilty by a Federal judge of violating an injunction issued as a result of the Pullman strike. Arguing in an appeal to the Supreme Court on a writ of habeas corpus Trumbull declared that the lower Federal court had acted improperly in punishing Debs for contempt, thereby denying him the right of trial by jury. Trumbull argued that if Debs and his fellow prisoners were guilty of obstructing the mails they should be given a fair trial under the criminal statutes provided for that purpose. The Supreme Court denied the writ, and Debs and his associates went to prison. Trumbull denounced the decision as one which put every citizen at the mercy of a prejudiced judge.

Trumbull continued to be active in his legal work until just a few weeks before his death which occurred in Chicago on June 25, 1896.

He was often charged with being a rather cold and aloof man, but this seems to have been far from true. He had a warm and lively sympathy for all unfortunates. This sympathy, in the opinion of the author, led him to oppose the extension of slavery and then attack the institution itself, and finally in his last years it drew him to the Populist movement. A staunch upholder of the law, Trumbull always refused to take any action, no matter how desirable, if it were not in conformity with the statutes and the Constitution as he interpreted them, or if it might set a bad precedent for the future.

BIBLIOGRAPHICAL NOTE

The Trumbull manuscripts in the Library of Congress and in the Illinois State Historical Library contain a wealth of information, and are the most important sources. Both of

these manuscript collections, unfortunately, have limitations. The Trumbull letters in the Library of Congress end in 1872, except for a copy of one Trumbull letter written in 1894. The Trumbull papers in the Illinois State Historical Library consist of less than fifty letters, most of them written by Trumbull to his brother-in-law, William Jayne, and end in 1888. However, nearly every one of them is interesting and useful for the comments made on politicians and public business. While nearly all the important manuscript collections of the Civil War period in the Library of Congress contain some Trumbull material; those which proved to be most rewarding were the Robert Todd Lincoln collection, John A. Logan, Benjamin F. Wade, Andrew Johnson, and Benjamin F. Butler manuscripts. In the Illinois State Historical Library the papers containing the most Trumbull material are the Orville Hickman Browning, John M. Palmer, and David Davis manuscripts. There is much information on Trumbull's career after 1871 in the McCormick Agricultural Library. These papers are, in fact, the best single collection for Trumbull material in the campaigns of 1872 and 1876. The records of the attorney general and the adjutant general in the National Archives relating to the McCardle and Debs cases are also excellent sources for information on Trumbull's legal activities. The broadside collections of the Library of Congress and the Chicago Historical Society contain some political literature both attacking and praising Trumbull. Government documents, particularly the *Congressional Globe*, are invaluable. The extent of Trumbull's activity in Congress can be seen from the great number of speeches which the *Globe* contains. Much Trumbull material can be found in the newspapers of the period, of these the *New York Times*, *Chicago Tribune*, and the *Chicago Times* are the most valuable. Horace White's *The Life of Lyman Trumbull* is useful and of value mainly for the first hand account which the author is able to give of many important moments in Trumbull's career. Among secondary accounts, all good Illinois histories of the period include some discussion of Trumbull's career as do general histories of the Civil War and most biographies of Lincoln.

VITA

Ralph Joseph Roske was born in Chicago, Illinois, August 28, 1921, the son of Joseph James Roske and Constance Wickers. Graduating from both De Paul Academy and De Paul University, where he won four one-year scholarships, he received his degree of Bachelor of Arts, summa cum laude, in March, 1943.

In May of 1942 he enlisted in the Army Air Corps, and was called to active duty in March, 1943. He served eight months overseas in the European theater as an aerial navigator, flying forty-two combat missions. Discharged in September, 1945, with the rank of first lieutenant, Roske entered the University of Illinois the following semester, and received the degree of Master of Arts in the Social Sciences in February, 1947. Since September of 1947, he has held a teaching assistantship while working on his doctorate.

On June 26, 1948, he was married to Rosemary Smith of Danville, Illinois. He is a member of honorary fraternities Phi Beta Kappa, Phi Kappa Phi, Phi Alpha Theta, Phi Beta Epsilon, Pi Gamma Mu, and Delta Epsilon Sigma.

